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FILE #: 2591/1B206-US2

FROM: Mitchell Bernstein, Ph.D. E-MAIL: mbernstein@darbylaw.com
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NO. OF PAGES: 4 (including transmittal)

| FACSIMILE NO. | RECIPIENT AND COMPANY | CONFIRMATION WILL FOLLOW |
|---------------|--|-----------------------------|
| 703-746-5115 | Examiner Gary B. Nickol, Ph.D. U.S. Patent and Trademark Office | N |

Dear Examiner Nickol:

Pursuant to your request, attached please find a copy of the Notice of Appeal filed April 21, 2002 in the above-identified application, and a copy of the postcard acknowledging its receipt in the USPTO. MB *MB*

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper and every paper referred to therein is being facsimile transmitted to the individual and number indicated below:

Attention: Examiner Gary B. Nickol, Ph.D.
Facsimile No. (703) 746-5115

on June 11, 2003

Mitchell Bernstein
Mitchell Bernstein, Ph.D.
Reg. No. 46,550

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PATENT TRADEMARK OFFICE

Docket No.: 2591/1B206-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Anthony H. CINCOTTA; Louis CINCOTTA

Serial No.: 09/187,768

Art Unit: 1642

Confirmation No.: 3476

Filed: November 6, 1998

Examiner: G. Nickol

For: GROWTH INHIBITION AND ERADICATION OF SOLID TUMORS USING
NEUROENDOCRINE RESETTING THERAPY AND PHOTODYNAMIC
THERAPY

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated October 22, 2002 of the Primary Examiner finally rejecting claims 34-47, 49-54, 59 and 60.

The item(s) checked below are applicable:

1. ☒ An extension of time to respond to the final rejection is required: a petition and fee of \$465.00 are enclosed.

2. ☐ A timely response to the final rejection has been filed.

3. ☐ Fee \$.00: ☒ Fee \$160.00 (small entity):

☒ Enclosed

☐ Not required (fee paid in prior appeal)

☒ Charge any deficiency to Deposit Account No. 04-0100

Respectfully submitted,

Dated: April 21, 2003



Mitchell Bernstein, Ph.D.

Reg. No. 46,550

Agent for Applicants

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Docket No. 2591/1B206

Return of this card properly stamped, will acknowledge receipt of Notice of Appeal, Check No. 1815 for \$160.00; Retention for Three (3) Month Extension of Time; Check No. 0107 for \$465; Return Postcard.

Applicant : Anthony P. INCOTTA et al. APR 21 2003

Serial No. : 09/187,768

Filed : November 1992

For : GROWTH INHIBITION AND SUPPRESSION OF SOLID TUMORS USING NEUROENDOCRINE RESETTUNG THERAPY

Attorney : MBT:par

File No. : 2591/18206 US2

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7/2/03

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B.W. Lee

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